



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TENTH OMNIBUS
OBJECTION OF USACM LIQUIDATING
TRUST TO DOUBLE COUNTED
CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Tenth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7513] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

- 7 1. The Objection [DE 7513] is sustained; and
- 8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 a duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles
14 John Hinderaker (*pro hac vice*)
15 3993 Howard Hughes Parkway, Ste. 600
16 Las Vegas, Nevada 89169-5996
17 Telephone: (702) 949-8320
18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
HARRINGTON, SUZE	2131 CONNOR PARK CV SALT LAKE CITY UT 84109-2468	10725-02058	609,068.50	304,534.25
HARRISON FAMILY TRUST DTD 7/27/99	THOMAS B & MARGUERITE F HARRISON TTEES 930 DORCEY DR INCLINE VILLAGE NV 89451	10725-02003	614,350.36	307,175.18
HART, KAY J	455 MAGNOLIA AVE FAIRHOPE AL 36532	10725-02049	606,211.16	303,105.58
HAUSLER JR LIVING TRUSR DTD 1/3/92, EDWIN L	C/O EDWIN L HAUSLER TTEE 4617 CONSTITUTION AVE NE ALBUQUERQUE NM 87110	10725-01915	486,748.60	243,374.30
HELMS HOMES LLC	TERRY HELMS 809 UPLAND BLVD LAS VEGAS NV 89107-3719	10725-02292	12,697,934.44	6,348,967.22
HERD FAMILY TRUST DTD 4/23/99	C/O ALLEN & MARILYN HERD TTEES 598 ALAWA PL ANGELS CAMP CA 95222-9768	10725-02042	606,089.02	303,044.51
HERTZ, MURRAY	2013 GROUSE ST LAS VEGAS NV 89134	10725-02362	100,000.00	50,000.00
HESS JT TEN, CHRISTINA L & DONALD L	1818 MADERO DR THE VILLAGES FL 32159	10725-02091	50,197.26	25,098.63
HESS, DONALD L	1818 MADERO DR THE VILLAGES FL 32159	10725-02092	101,472.60	50,736.30
HIGH, EDWARD O	1413 PELICAN BAY TRAIL WINTER PARK FL 32792	10725-02048	403,994.76	201,997.38